



FEB 21 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

#3

Lisa M.W. Hillman  
MCDONNELL BOEHNEN HULBERT & BERGHOFF  
300 South Wacker, Suite 3200  
Chicago, IL 60606

In re Application of :  
PROGULSKE-FOX, Ann *et al* :  
U.S. Application No.: 09/980,845 :  
PCT No.: PCT/US00/21340 :  
Int. Filing Date: 04 August 2000 :  
Priority Date: 06 August 1999 :  
Attorney Docket No.: 00-505-B :  
For: MICROBIAL POLYNUCLEOTIDES :  
EXPRESSED DURING INFECTION OF :  
A HOST :

DECISION ON  
PETITION FOR REVIVAL  
UNDER 37 CFR 1.137(b)

Applicants' "Petition for Revival of an International Application for Patent Designating the US Abandoned Unintentionally Under 37 CFR 1.137(b)" filed with the national stage papers on 15 November 2001 in the above-captioned application is hereby **GRANTED** as follows:

The appropriate basic national fee, independent claim fee, and a surcharge fee for a small entity have been paid. The petition fee is \$640.00. Applicants paid \$670.00. The \$30.00 additional fee paid will be credited back to counsel's Deposit Account No. 13-2490 as authorized. Applicants state that "[t]he entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

No declaration was provided. Accordingly, this application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that the declaration in compliance with 37 CFR 1.497(a) and (b) is required.

  
James Thomson  
Attorney Advisor  
PCT Legal Office

Tel.: (703) 308-6457